

1 Shahrads Milanfar (SBN 201126)  
2 [smilanfar@bkscal.com](mailto:smilanfar@bkscal.com)  
3 Alex P. Catalona (SBN 200901)  
4 [acatalona@bkscal.com](mailto:acatalona@bkscal.com)  
5 BECHERER KANNETT & SCHWEITZER  
6 1255 Powell Street  
Emeryville, CA 94608  
Telephone: (510) 658-3600  
Facsimile: (510) 658-1151

7 Attorneys for Defendant  
8 PRECISION VALVE & AUTOMATION, INC.

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11

12 RUBEN JUAREZ, an individual and  
13 ISELA HERNANDEZ, an individual,

14 Plaintiffs,  
15

16 PRECISION VALVE &  
17 AUTOMATION, INC., a corporation  
18 and DOES 1-20,

19 Defendants.  
20  
21  
22  
23

CASE NO. CV17-03342-ODW (GJSX)  
[L.A.S.C. Case No. BC650229]

**DECLARATION OF DUC Q. PHAN IN  
SUPPORT OF DEFENDANT  
PRECISION VALVE & AUTOMATION,  
INC.'S MOTION FOR SUMMARY  
JUDGMENT**

Date: September 24, 2018  
Time: 1:30 p.m.  
Ctm: 5D, 5<sup>th</sup> Floor  
Judge: Hon. Otis D. Wright II

\*This motion is made following the  
conference of counsel pursuant to L.R. 7-3  
which took place on July 16, 2018. (Catalona  
Dec., ¶ 57, Ex. 57.)

\*\*Defendant requests oral argument on this  
motion for summary judgment.

Becherer  
Kannett &  
Schweitzer

1255 Powell St.  
Emeryville, CA  
94608  
510-658-3600

1  
2 I, Duc Q. Phan, declare,

3 1. I have personal knowledge of the following facts and could competently  
4 testify to those facts if called as a witness.

5 2. I was employed at Space Explorations Technologies Corp., known as  
6 "SpaceX," in Hawthorne, California from 2013 to 2015. In 2013-2014, I worked in the  
7 Avionics Department which was located on the third floor of the main building. I stopped  
8 working in the Avionics Department in 2014 when I was transferred to the Structures  
9 Department. When I worked in the Avionics Department, I knew Ruben Juarez but do not  
10 recall working directly with him at that time.

11 3. As provided in SpaceX's standard operating procedures, employees  
12 operating the equipment at SpaceX were required to follow the product manufacturer's  
13 specifications and operating instructions which were available to Avionics Department  
14 employees. Every employee in the Avionics Department was required to follow SpaceX's  
15 Standard Operating Procedures including one entitled "Avionics Standard Operating  
16 Procedure: Polymeric Application on Electronic Assemblies." Attached to this  
17 declaration as Exhibits 76 and 77 are true and correct copies of relevant portions of this  
18 Standard Operating Procedure that was used in 2013 when I worked in that department.  
19 These documents contained SpaceX's instructions for operating the PVA 350 in addition  
20 to other equipment in the Avionics Department.

21 4. Attached hereto as Exhibit 78 is a true and correct copy of relevant portions  
22 of power point slides and presenter dialogue from one of SpaceX's Hazard  
23 Communication training courses which I took at SpaceX. I took multiple courses like this  
24 one during my time at SpaceX. All Avionics Department employees including Ruben  
25 Juarez were required to take these courses annually which were taken at a computer.  
26 After the presentation was concluded, the employee had to pass a test by correctly  
27 answering enough questions about the course materials before that training would be  
28 deemed complete.

Becherer  
Kannett &  
Schweitzer

1255 Powell St.  
Emeryville, CA  
94608  
510-658-3600

5. SpaceX maintained copies of MSDS sheets for all chemicals it used including Humiseal, Humiseal thinner and Arathane materials. These were kept in hard copy form in the Avionics Department and on SpaceX's intranet site both of which were easily accessible by every employee in SpaceX's Avionics Department including Ruben Juarez.

6. At the time I worked in the Avionics Department, the PVA 350 was the only conformal coating machine at SpaceX.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct. Executed on

6/2, 2018 in Torrance, California.

Duc Q. Phan

**Becherer  
Kannett &  
Schweitzer**

1255 Powell St.  
Emeryville, CA  
94608  
510-658-3600